

Baker & Hostetler LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Marc E. Hirschfield

Email: mhirschfield@bakerlaw.com

Keith R. Murphy

Email: kmurphy@bakerlaw.com

*Attorneys for Irving H. Picard,
Trustee for the Substantively
Consolidated SIPA Liquidation of
Bernard L. Madoff Investment
Securities LLC and Bernard L.
Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.

Debtors in a Foreign Proceeding.

Chapter 15 Case

Case No. 10-13164
Jointly Administered

**TRUSTEE'S RESPONSE TO APPLICATION OF FAIRFIELD SENTRY LIMITED,
FAIRFIELD SIGMA LIMITED AND FAIRFIELD LAMBDA LIMITED FOR
RECOGNITION OF FOREIGN PROCEEDINGS**

Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* ("SIPA") and Bernard L. Madoff, individually ("Madoff" and, together with BLMIS, the "Debtors"), by and through his

undersigned counsel, respectfully submits this Response to the Verified Petitions in Support of Application for Recognition of Foreign Main Proceedings (the “Application”) filed by Kenneth Kryss and Christopher Stride (the “Petitioners”), the duly authorized foreign representatives in the liquidation proceedings pending before the Commercial Division of the High Court of Justice, British Virgin Islands with respect to Fairfield Sentry Limited (“Sentry”), Fairfield Sigma Limited (“Sigma”) and Fairfield Lambda Limited (“Lambda” and, together with Sentry and Sigma, “Fairfield”). For the reasons set out below, and subject to the agreement regarding relief from the automatic stay described below, the Trustee does not oppose the Petitioners’ efforts to obtain recognition of Fairfield’s foreign liquidation proceedings (the “BVI Proceedings”).

The Trustee has substantial claims against the Petitioners as representatives of Fairfield. The Petitioners have represented to the Trustee and agreed that they will not seek to utilize the automatic stay created by section 362 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.*, to stay or otherwise impede actions by the Trustee against Fairfield.

While the Trustee reserves the right to contest actions in this or any proceeding in the future if he deems it to be in the best interests of the BLMIS estate and its stakeholders, he does not, subject to the foregoing, oppose the recognition of the BVI Proceedings in the United States. In fact, the Trustee has encouraged the Petitioners to take any and all steps necessary to recover

funds that could then be used to pay any settlement or judgment of the Trustee's claims against Fairfield.

Dated: New York, New York
July 9, 2010

Respectfully submitted,

Of Counsel:

Thomas L. Long (0023127)
Email: tlong@bakerlaw.com
Sherri B. Lazear (0030546)
Email: slazear@bakerlaw.com
Baker & Hostetler LLP
65 East State Street, Suite 2100
Columbus, Ohio 43215
Telephone: (614) 228-1541
Facsimile: (614) 462-2616

/s/ Marc E. Hirschfield
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Marc E. Hirschfield
Email: mhirschfield@bakerlaw.com
Keith R. Murphy
Email: kmurphy@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and Bernard L. Madoff*